

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JENNIFER BREVOORT,	)	
	)	
Plaintiff,	)	
v.	)	NO. 08 CV 0105
	)	
RELIANT PHARMACEUTICALS, INC.	)	Honorable Judge Ruben Castillo
and GLAXOSMITHKLINE, Successor to	)	
RELIANT PHARMACEUTICALS, INC.,	)	
	)	
Defendant.	)	

FIRST AMENDED COMPLAINT

Plaintiff, JENNIFER BREVOORT, by her attorney, Laurie E. Leader of the Chicago Kent Law Offices, complains against Defendant, RELIANT PHARMACEUTICALS, INC. (“Reliant”) and its successor Defendant GLAXOSMITHKLINE, as follows:

1. This is an action for damages and declaratory and injunctive relief to redress deprivations of Plaintiff’s rights in violation of the Age Discrimination in Employment Act (“ADEA”), as amended, 29 U.S.C. § 621 *et seq.*
2. Jurisdiction of this Court is invoked pursuant to 29 U.S.C. § 626(c)(1) and 28 U.S.C. §§ 1331 and 1343(3).
3. The unlawful employment practices that are the subject of this lawsuit occurred in the Northern District of Illinois. Venue is, therefore, proper within this judicial district.
4. Plaintiff JENNIFER BREVOORT is a forty-one (41) year old citizen of the United States and a resident of the State of Illinois. Plaintiff was employed by Defendant from May 2003 to October 25, 2006 and, at all times relevant herein, was an employee within the meaning

of 28 U.S.C. § 630(f).

5. At all times relevant here, Defendant Reliant was headquartered at 110 Allen Road, Liberty Corner, New Jersey and was authorized to do business in the State of Illinois. Defendant was Plaintiff's employer within the meaning of 29 U.S.C. § 630(b). Reliant was acquired by GlaxoSmithKline, headquartered at One Franklin Plaza, Philadelphia, Pennsylvania, who is also named as a defendant herein. GlaxoSmithKline is Reliant's successor for purposes of this lawsuit. Collectively, Reliant and GlaxoSmithKline are referred to as "Defendant" in this First Amended Complaint.

6. On November 7, 2006, Plaintiff timely filed a charge of age discrimination (Charge No. 440-2007-00940) with the Equal Employment Opportunity Commission ("EEOC"), which was cross-filed with the Illinois Department of Human Rights. Plaintiff, thus, exhausted her administrative remedies under the ADEA.

7. The EEOC found reasonable cause to believe that Defendant discriminated against Plaintiff and issued a Notice of Right-to-Sue on October 18, 2007. A copy of the applicable Notice is attached hereto as Exhibit A and made a part hereof.

8. Plaintiff filed this lawsuit pro se within ninety (90) days of receipt of the Notice of Right-to-Sue referenced above.

9. Defendant hired Plaintiff in May 2003. Plaintiff was terminated as a Professional Sales Representative on October 25, 2006.

10. Plaintiff's immediate supervisors on the latter date were District Manager Nicholas Frommelt ("Frommelt") and Regional Manager Dave Rodely ("Rodely"). Both were younger than Plaintiff.

11. Frommelt displayed hostility to his older employees, including the Plaintiff. In July 2006, Frommelt asked a former District Manager if he had any negative information about Plaintiff and told the former manager that he was trying to “re-align” Plaintiff.

12. Plaintiff was terminated without warning a few months later, on October 25, 2006. Plaintiff was then told that a doctor had complained that she was selling “off-label” and, as a result, Defendant had no choice but to terminate Plaintiff.

13. The asserted reason for Plaintiff’s termination was a pretext for unlawful age discrimination. At the time, no other employee had been terminated for “off-label” selling. In fact, Defendant’s employees regularly sold “off-label” during Plaintiff’s employment. On more than one occasion, Plaintiff was directed to do so by her manager.

14. Following Plaintiff’s termination, another employee – approximately twenty (20) years younger than Plaintiff – was promoted to the position of Professional Sales Representative and assigned to Plaintiff’s former sales territory.

15. Plaintiff’s termination violated 29 U.S.C. § 621 *et seq.*, which prohibits discrimination in the terms and conditions of employment based on age.

16. Plaintiff’s termination was a willful violation of the ADEA, since it was done with malice in that it was intentional, and/or was done in reckless disregard of Plaintiff’s rights protected by the ADEA.

17. As a result of the foregoing, Plaintiff has suffered, and continues to suffer, lost wages and pain and suffering.

WHEREFORE, Plaintiff prays that this Honorable Court:

A. Enter an order finding that the Defendant unlawfully discriminated against her in

violation of the ADEA;

B. Award Plaintiff her damages, including back pay and the value of all lost wages and employment benefits in the amount shown to be due, with pre- and post-judgment interest;

C. Award Plaintiff liquidated damages for Defendant's willful violation of the ADEA;

D. Award Plaintiff the costs and expenses incurred in this matter, including reasonable attorney's fees;

E. Order the Defendant to reinstate Plaintiff or to award her front-pay in lieu of reinstatement; and

F. Grant other such relief that this Court deems just and appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY.

JENNIFER BREVOORT, Plaintiff

By: /s/ Laurie E. Leader  
Attorney for Plaintiff

Laurie E. Leader  
Chicago-Kent Law Offices  
565 West Adams Street – Suite 600  
Chicago, IL 60661  
(312) 906-5048

EEOC Form 161-B (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Jennifer M. Brevoort  
22w502 Balsam Dr.  
Glen Ellyn, IL 60137

From: Chicago District Office  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL NO.: 7001 0320 0005 9832 5379



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-00940

Jerry Zhang,  
investigator

(312) 353-7522

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*John P. Rowe*  
John P. Rowe,  
District Director

*10/18/07*  
(Date Mailed)

Enclosures(s)

cc: RELIANT PHARMACEUTICALS

